

REMARKS

Claims 1-3, 7 have been amended, claims 8-20 have been canceled and new claims 21-31 have been added. Thus, claims 1-7 and 21-31 are currently pending and presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims view of the foregoing amendments and the following remarks.

Response to Rejections Under Section 112:

Claims 1-20 stand rejected under 35 U.S.C. 112, the Examiner stating that the terms “monitoring instant”, “a list...can be accessed..” and “the monitoring being carried out on the basis of the characteristic” is unclear. Applicants have changed these terms respectively to “monitoring application”, and “a list ... accessible”, and “the monitoring is carried out on the basis of the characteristic”. Applicants respectfully request that the Examiner withdraw the Section 112 rejections.

Response to Rejections Under Section 102:

Claims 1-10 stand rejected under 35 U.S.C § 102(a/e), the Examiner contending that these claims are anticipated by McDowell et al (US PGPub 2002/0035605).

Applicants' Claim 1 recites:

recording a state of the software application by a monitoring application

In contrast, McDowell teaches monitoring if a device is ON or OFF (see e.g. [0050]) and monitoring a state of a subscriber (see e.g. [0052]). A device is hardware and cannot be properly interpreted as a software application. A device such as a computer may be ON without having the software application present or executing on the device. Thus, the status ON/OFF for the device is not applicable to the software application. Furthermore, a subscriber is a person and cannot be properly interpreted as a software application. The subscriber may indicate personal settings which have no indication of the state of the software application. If the Examiner has interpreted Applicants' software application as an application to provide the subscribers state, and therefore the same, Applicants respectfully submit that the application state does not correspond to the subscriber state. For example, application may be ONLINE without a subscriber having logged into the application, therefore the subscriber state is OFFLINE..

Likewise, the application may be ONLINE but the subscriber has set their state as BUSY or OFFLINE. Thus, the subscriber cannot reasonably be interpreted as the software application.

In view of the above, claim 1 is not anticipated by McDowell. Furthermore, Claims 2-10, which depend on claim 1, are also patentable at least based on their dependence from claim 1 as well as based on their own merits. Therefore, Applicants respectfully request that the Examiner withdraw the Section 102 rejections.

Response to Rejections Under Section 103:

Claims 5 and 11-13 stand rejected under 35 U.S.C § 103(a) as being obvious over McDowell in view of IETF; 2.1.12 SIP for Instant Messaging and Presence Leveraging (simple); 7/31/01. For at least the reasons discussed in connection with the Section 102 rejections, Applicants respectfully submit that these claims are patentable and respectfully request the Examiner to withdraw the Section 103 rejection.

New Claims:

New claims further define the scope of the invention as described in the specification and drawings. For example, claim 21 recites the Presence Application includes a text editor, and wherein the control instructions are entered into the text editor and transmitted to the monitoring application as an instant message which is not taught or suggested by McDowell.

In view of the foregoing remarks regarding the other claims, Applicants respectfully submit claims 21-31 are patentable and requests allowance of claims 21-31.

Conclusion

For the foregoing reasons, it is respectfully submitted that and rejections set forth in the outstanding Office Action are inapplicable to the present claims. All correspondence should continue to be directed to our below-listed address. Accordingly, Applicants respectfully request that the Examiner reconsider the rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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